

RECEIVED
CENTRAL FAX CENTER

MAR 28 2005

TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission: 4

Application Number	10/768,406
Filing Date	January 30, 2004
First Named Inventor	Paul Brent Rivers
Art Unit	3722
Examiner Name	Kimberly Wood
Attorney Docket Number	BS030571

ENCLOSURES

(Check all that apply)

Fee Transmittal Form
 Fee Attached
 Amendment/Reply
 After Final
 Affidavits/declaration(s)
 Extension of Time Request
 Express Abandonment Request
 Information Disclosure Statement
 Certified Copy of Priority Document(s)
 Response to Missing Parts/Incomplete Application
 Response to Missing Parts under 37 CFR 1.52 or 1.53

Drawing(s)
 Licensing-related Papers
 Petition
 Petition to Convert to a Provisional Application
 Power of Attorney, Revocation
 Change of correspondence Address
 Terminal Disclaimer
 Request for Refund
 CD, Number of CD(s)

After Allowance Communication to Group
 Appeal Communication to Board of Appeals and Interferences
 Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
 Proprietary Information
 Status Letter
 Other Enclosure(s) (please identify below):

Remarks:

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Name (Print/Type)	Bambi Faivre Walters	Reg. No.:	45,197
Signature			
Date	MAR 28, 2005		

CERTIFICATE OF TRANSMISSION / MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, PO Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Name (Print/Type)	Bambi Faivre Walters	Date	MAR 28, 2005
Signature			

MAR 28 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Paul Brent Rivers

Group Art Unit: 3722

Application No.: 10/768,406

Examiner: Kimberly Wood

Filed: January 30, 2004

Title: "Serving Terminal Illuminator"

VIA FACSIMILE 703-872-9306

TC2600

Attn: Examiner Kimberly Wood

37 C.F.R. § 1.8 CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on: 3/28/05 (date of transmission).

Bambi F. Walters

Name of Person Faxing This Paper

Bambi F. Walters

Signature

3/28/05

Date of Transmission

Election and 37 C.F.R. § 1.143
Request For Consideration Of Requirement For Restriction

Commissioner:

This paper is filed in response to the Office Action mailed March 24, 2005 in the above-identified application. The United States Patent and Trademark Office ("Office") imposed a restriction requirement. Assignee hereby elects the identified "Species IV" and further requests reconsideration and withdrawal of this restriction requirement.

BS030571

U.S. Application No. 10/768,406 Examiner Wood, Art Unit 3722
Response to Restriction Requirement**PROVISIONAL ELECTION**

The office alleges that this patent application is directed to the following patentably distinct species of the claimed invention:

“Species I drawn to FIGS 1-4

Species III drawn to FIG 5,

Species IV drawn to FIGS 6-7.”

See, March 24, 2005 Office Action, p. 2.

As 37 C.F.R. § 1.143 requires, the Assignee provisionally elects the group identified as “Species IV drawn to FIGS 6-7.” The claims corresponding to this species are 17-21.

REPLY AND TRAVERSAL

The Assignee respectfully requests reconsideration and withdrawal of this restriction requirement. The Assignee traverses this restriction requirement by relying upon the following reason.

1. No Burden is Present

Examination of Species I, Species III, and Species IV does not present a burden for the Examiner. One criterion for restriction is that there must be a “serious burden” on the Examiner. *See U.S. DEPT. OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 803 (8th Ed. 2001).* The Office may make a *prima facie* case for restriction, using “appropriate explanation,” of i) separate classification, ii) a separate status in the art, or iii) a different field of search. *Id.* *See also id.* at § 808.02. The Assignee thus respectfully requests that Examiner Wood remove the requirement for restriction and, instead, examine all species identified by the Examiner.

BS030571

U.S. Application No. 10/768,406 Examiner Wood, Art Unit 3722
Response to Restriction Requirement

If the Office has any questions, the Office is invited to contact the undersigned at (757)
253-5729 or bambi@wzpatents.com.

Respectfully submitted,



Bambi F. Walters
Attorney for the Assignee
Reg. No. 45,197
PO Box 5743
Williamsburg, VA 23188